



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0184-22</b>
<b>2. Advertiser :</b>	<b>Woolworths Group Limited</b>
<b>3. Product :</b>	<b>Food/Bev Groceries</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet</b>
<b>5. Date of Determination</b>	<b>24-Aug-2022</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Food and Beverages Code\2.1 Not misleading or deceptive

### DESCRIPTION OF ADVERTISEMENT

This advertisement is the product listing for Essentials Cooking Bacon on the Woolworths website. The listing contain an image which states "Made in Australia from at least 14% Australian ingredients".

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*This is just one example of products being advertised as though they were "Made in Australia" when they were probably not. In this instance the ad says "Made in Australia from at least 14% Australian ingredients". Where did the other 86% come from? The other 86% is most probably the bacon.*

### THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We refer to your letter dated 12 August 2022 in relation to the complaint received by Ad Standards (the Complaint) about an online listing of Woolworths Essentials Cooking Bacon 1kg (Product).*



*Below is an extract of the listing as it appears on woolworths.com.au. The listing includes a country of origin labelling statement for the Product (“Made in Australia from at least 14% Australian ingredients”), both on the image of the Product’s label/packaging and under the “Product Details” heading beneath.*

*The complainant alleges that the “Made in Australia” claim is probably inaccurate, on the basis that up to 86% of the ingredients are not Australian ingredients. Your letter states that the Complaint may raise concern under section 2.1 of the AANA Food and Beverages Code (Code), which provides that Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive.*

*Woolworths’ response*

*Woolworths confirms that the content of the listing is accurate, and submits that there is no breach of section 2.1 of the Code.*

*The country of origin labelling statement for the Product complies with the mandatory requirements of the Country of Origin Food Labelling Information Standard 2016. Under the Standard, a food is deemed to have been “made in” a country if it underwent its last substantial transformation in that country. The ACCC’s Country of Origin Food Labelling Guide dated March 2021 (ACCC Guide) clarifies that a: food will be considered to be substantially transformed in a country if it:*

- was grown or produced in that country, or*
- is, as a result of one or more processes in that country, fundamentally different in identity, nature or essential character from all of its ingredients or components that were imported into that country.*

*The ACCC’s Guide states that curing and drying imported pork to make bacon is an example of processing that constitutes substantially transforming a product.*

*The Product referred to in the Complaint is manufactured in Australia, in a process that involves curing and drying (i.e. cooking) pork. Therefore, the ingredients are substantially transformed in Australia and the Product is accurately labelled as “Made in Australia”.*

*As the Complaint is based on a misunderstanding of the food labelling requirements and relates to a claim on the Product’s label, whereas the Code’s definition of relevant “Advertising” expressly excludes labels and packaging, we consider this matter should be handled with the complainant directly and not be considered by the Community Panel under the Code.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising Code (the Food Code).



The Panel noted the complainant's concern that the advertisement is misleading by suggesting a product is made in Australia when it probably isn't.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that the product advertised is a food product and that therefore the provisions of the Food Code apply.

**Section 2.1 Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive.**

The Panel Noted the Practice Note to this section of the Food Code which provides:

*"In determining whether advertising for food or beverage products is misleading or deceptive or likely to mislead or deceive, the Community Panel will consider the likely audience for the advertising, including whether the advertisement is directed at the public at large or a more targeted audience. The Community Panel will consider whether or not an Average Consumer within the target audience would have been misled or deceived or likely to be misled or deceived by the advertisement."*

The Panel noted that the target audience for this advertisement would be anyone viewing the product listing on the website.

The Panel noted the advertiser's response that the advertisement complies with the Country of Origin Food Labelling Information Standard 2016, which is a legal requirement for food products suitable for retail sale in Australia.

The Panel reviewed the guidelines included in that standard and noted that the advertiser has complied appropriately - ie used the correct icon and phrasing.

The Panel considered that the use in this instance indicates that some products are sourced from outside Australia, but the product is assembled in Australia. The emphasis is on the production of a food rather than its content.

The Panel noted that the ingredients list does state that the pork consists of 80% of the ingredients, and the Made in Australia label indicates that 14% of the ingredients are Australian, so it is logical to interpret that the pork itself is not Australian. The Panel considered however that this is not misleading as all the information is available on the product listing.

The Panel considered that the complainant's concern may be better addressed to the ACCC which facilitates the Standard.

**Section 2.1 Conclusion**

The Panel considered that the advertisement was not misleading or deceptive and did not breach Section 2.1 of the Food Code.



### **Conclusion**

Finding that the advertisement did not breach any other section of the Food Code, the Panel dismissed the complaint.